

15, 1996. Thus, independent experts have determined that the fair market value of the Property is \$393,277.75, which is approximately 2.5 times the principal amount of the Loan. The applicant represents that the Plan will have first priority interest in the collateral, and the Plan's interest will be perfected under applicable state law. Mr. Bolton will also personally guarantee the Loan to the Plan.

4. The Plan has appointed Drugge & Associates (Drugge), a CPA firm in Seattle, Washington, as its independent fiduciary for purposes of this transaction. Drugge represents that it performs accounting and tax services for Skana, but fees generated from Skana represent less than one percent of its annual service revenues. Mr. Jon Krueger of Drugge has represented that all terms and conditions of the Loan are at least as favorable to the Plan as the Plan could obtain in an arm's-length transaction with an unrelated party, and represent fair market value terms. Drugge has determined that the Loan is appropriate for the Plan, in the Plan's best interests as an investment for its portfolio, and protective of the Plan and its participant. Drugge represents that it will monitor compliance by Skana with the terms and conditions of the Loan and of the exemption proposed herein throughout the term of the Loan, taking whatever action is necessary to safeguard the Plan's interest, including foreclosure on the collateral in the event of default.

5. In summary, the applicant represents that the proposed transaction satisfies the criteria contained in section 4975(c)(2) of the Code for the following reasons: (a) The Loan represents less than 25% of the assets of the Plan; (b) the terms of the Loan will be at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party; (c) the Loan will be secured by a first deed of trust on the Property, which has been appraised by qualified, independent experts to have a fair market value approximately 2.5 times the Loan amount; (d) Mr. Bolton will personally guarantee the Loan; (e) Drugge, the Plan's independent fiduciary, has determined that the transaction is appropriate for the Plan and in its best interests; (f) Drugge will monitor the transaction and take whatever action is necessary to enforce the Plan's rights under the Loan; and (g) Mr. Bolton is the only participant in the Plan to be affected by the transaction, and he desires that the transaction be consummated.

*Notice to Interested Persons:* Since Mr. Bolton is the only Plan participant to be affected by the proposed

transaction, the Department has determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a hearing are due within 30 days from the date of publication of this notice of proposed exemption in the Federal Register.

*For Further Information Contact:* Gary H. Lefkowitz of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

#### *General Information*

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 19th day of November 1996.

Ivan Strasfeld,

*Director of Exemption Determinations,  
Pension and Welfare Benefits Administration.*  
[FR Doc. 96-29900 Filed 11-22-96; 8:45 am]

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## **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

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### **Notice [96-136]**

#### **NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Subcommittee on Propulsion Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a NAC, Aeronautics Advisory Committee, Subcommittee on Propulsion meeting.

**DATES:** December 11, 1996, 8:30 a.m. to 5 p.m.; and December 12, 1996, 8:30 a.m. to 4 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

**FOR FURTHER INFORMATION CONTACT:** Dr. Carol J. Russo, National Aeronautics and Space Administration, Lewis Research Center, Building 86, Room 100, 21000 Brookpark Road, Cleveland, OH 44135, 216/433-2965.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- NASA Aeronautics Program Overviews
- NASA Lewis Aeropropulsion Overview
- Restructured Base Overview
- Materials & Structures ARTS Overview

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: November 18, 1996.

Leslie M. Nolan,

*Advisory Committee Management Officer.*

[FR Doc. 96-29995 Filed 11-22-96; 8:45 am]

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